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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/893,693
Filing Date: June 29, 2001
Appellant(s): WATSON, RICHARD A.

Mr. Demitry Brant (Reg. No. 59,133)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 22, 2008 appealing from the Office action mailed Oct. 24, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Tarnanen et al., U.S. Patent No. 6,904,026, Published June 7, 2005.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- Claims 30-40, 42-44, 46-55 and 60-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarnanen et al., U.S. Patent No. 6,904,026 (referred to hereafter as Tarnanen).

As to claims 30, 40 and 42, Tarnanen teaches a method for enabling electronic communications between the Internet and a client system comprising:

receiving, at a primary communications system “ISP server 13” configured to act as an access point to the Internet for data communication between the client system and the internet, a request to access the Internet that is directed to the primary communication system, wherein the request is issued by an online identity operating a the client system “MS” (see col. 7 lines 15-30 and col. 9 lines 57-col. 10 lines 11, the ISP server 13 receives a request from the MS to access the internet);

processing the request at the primary communication system (see col. 7 lines 30-42 and col. 9 lines 57-col. 10 lines 11, the request for the webpage and the location of the MS are processed);

identifying at the primary communication system, based on the processed request a secondary communications system that is more optimally suited for providing Internet access to the client's system than the primary communications system (see col. 7 lines 30-42 and col. 9 lines 57-col. 10 lines 11, the ISP server 13 determines the optimal IAP to service the request); and

enabling configuration of the client system to direct subsequent Internet access requests from the client system and to use the secondary communications system as an access point to the Internet for subsequent data communications between the client

system and the Internet, such that the subsequent data communications between the client and the Internet pass through the secondary communications system (see col. 7 lines 30-42, a new IAP is selected as an access point).

As to claims 31 and 44, Tarnanen teaches the method of claims 30 and 42, wherein processing the request further comprises: authenticating the online identity or the client system at the primary communications system (see col. 2 lines 30-42).

As to claims 32 and 43, Tarnanen teaches the method of claims 30 and 42, further comprising enabling configuration of the client system to direct data communications, which are subsequent to access from the client system, to the secondary communications system (see col. 7 lines 30-42).

As to claims 33 and 46, Tarnanen teaches the method of claims 30 and 42, wherein access to the Internet is granted to the client system by the primary communications system (see col. 7 lines 30-42).

As to claim 34, Tarnanen teaches the method of claim 30, wherein access to the Internet granted to the client system by the secondary communications system (see col. 7 lines 30-42).

As to claims 35 and 47, Tarnanen teaches the method of claims 32 and 43, further comprising encapsulating data communications in a tunneling protocol at the secondary communications system (see col. 9 lines 22-56).

As to claims 36 and 48, Tarnanen teaches the method of claims 32 and 43, further comprising determining whether responses to data communications can be

satisfied by electronic data stored in a cache at the secondary communications system (see col. 9 lines 22-57).

As to claims 37 and 49, Tarnanen teaches the method of claims 32 and 43, further comprising performing filtering of data communications at the secondary communications system (see col. 7 lines 30-42).

As to claims 38 and 50, Tarnanen teaches the method of claims 37 and 49, wherein the filtering is performed according to contents filtering (see col. 10 lines 12-27).

As to claim 39, Tarnanen teaches the method of claim 30, wherein the primary communications system is an online access provider (see col. 7 lines 30-42).

As to claim 51, Tarnanen teaches the method of claim 30, wherein processing the request further comprises determining a geographic location associated with at least one of the online identity and the client system, and wherein the geographic location is used as a basis for configuring the client system to direct subsequent Internet access requests from the client system (see col. 7 lines 42-62).

As to claim 52, Tarnanen teaches the method of claim 30, wherein processing the request further comprises accessing a demographic profile of the online identity (see col. 7 lines 42-62).

As to claim 53, Tarnanen teaches the method of claim 52, wherein the demographic profile includes client-preferred routing paths (see col. 7 lines 20-64).

As to claim 54, Tarnanen teaches the method of claim 52, wherein the demographic profile includes software version of the client system (see col. 7 lines 20-64).

As to claim 55, Tarnanen teaches the method of claim 52, wherein the demographic profile includes type of communication equipment used for Internet access by the client system (see col. 2 lines 30-47).

As to claim 56, Tarnanen teaches a method for enabling a client system for faster Internet access at a primary communication system, comprising: accessing geographic information for one or more geographically distributed network access proxies that each are configured as an access point with respect to an Internet content; accessing a demographic profile for an online identity that includes geographic information for the online identity; identifying, based on the demographic profile, a network access proxy to be used in granting access to the subsequent Internet access requests submitted by the online identity; and configuring the network access proxy to enable access by the online identity to the Internet content in response to subsequent access requests submitted by the online identity (see col. 7 lines 20-64).

As to claim 57, Tarnanen teaches the method of claim 51, wherein the demographic profile further includes client preferred routing paths (see col. 7 lines 20-64).

As to claim 58, Tarnanen teaches the method of claim 51, wherein the demographic profile further includes the software version of the client system (see col. 7 lines 20-64).

As to claim 59, Tarnanen teaches the method of claim 51, wherein the demographic profile further includes the type of communication equipment used for Internet access by the client system (see col. 9 lines 25-53).

As to claim 60, Tarnanen teaches the method of claim 30, further comprising:

receiving, at a secondary communications system, subsequent data communications between the client and the Internet;

encapsulating subsequent data communications in an IP tunneling protocol at the secondary communications system; and

transmitting encapsulated data communications to the Internet using the IP tunneling protocol (see col. 9 lines 23-37).

As to claim 61, Tarnanen teaches the method of claim 49 wherein the subscriber information includes at least one of parental control settings of the online identity or user preferences of the online identity (see col. 7 lines 35-62).

As to claim 62, Tarnanen teaches the method of claim 49 wherein the subscriber information includes a demographic profile of the online identity (see col. 7 lines 35-62).

As to claim 63, Tarnanen teaches the method of claim 62, wherein the demographic profile includes client-preferred routing paths (see col. 7 lines 35-62).

As to claim 64, Tarnanen teaches the method of claim 62, wherein the demographic profile includes software version of the client system (see col. 7 lines 35-62).

As to claim 65, Tarnanen teaches the method of claim 62, wherein the demographic profile includes geographic location of the client system (see col. 7 lines 35-62).

(10) Response to Argument

As per appellants arguments filed on July 22, 2008, the appellant argues that the Finality of the rejection is improper because Tarnanen does not teach “a primary communication system configured to act as an access point to the Internet for data communication between the client system and the internet” (see Brief page 10 –page 11, argument A).

In reply to A, FIG. 2 of Tarnanen demonstrates the process of IAP (Intemet Access Provider) updating from the perspective of a Mobile Station (MS). First, the MS initiates a new Intemet transaction through its currently configured IAP (step 21). The request is sent to ISP server 13 to process the request and determine the optimal IAP "internet access point" server is can handle the request (col. 9 lines 57-col. 10 lines 11). Therefore, Tarnanen teaches “identifying at the primary communication system a secondary communication system “new IAP” that is more optimally suited for providing access to the internet. The settings of the optimal IAP are sent to the MS, and if the client has moved to a new roaming area, the client updates its IAP settings (step 26) and initiates its new Intemet call from a more convenient IAP (col. 9 lines 57-col. 10 lines 11).

Examiner interprets the ISP server 13 to be the "primary communication system” which is configured to act as an access point between the MS, interpreted to be the

"client system", and the internet. Therefore the ISP server 13 teaches the "primary communication system" as claimed.

Appellant argues that Tarnanen does not teach a request issued by an online identity operating the client system (see brief page 12 lines 15-23, Argument B).

In reply to B, Tarnanen teaches in Fig. 2, the user of the MS initiates a new Intemet transaction through its currently configured IAP (step 21) wherein the request is forwarded to the ISP server 13 (see col. 9 lines 57-col. 10 lines 11). Since examiner interprets the MS to be the client system, then Tarnanen teaches “the request is issued by online identity operating the client system”.

Appellant argues that it is improper to interpret the mobile station of Tarnanen to be both, the primary communication system and the client system (see Brief pages 13-14, Argument C).

In reply to C, as illustrated above, examiner interprets the ISP 13 to be the primary communication system and interprets the MS to be the client system.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Hussein Elchanti/

Oct. 9, 2008

Conferees:

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/Salad Abdullahi/

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